

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SILVON S. SIMMONS,

Plaintiff,

v.

JOSEPH M. FERRIGNO, II, et al.,

Defendants.

ORDER and AMENDED
SCHEDULING ORDER

17-CV-6176FPG

Silvon S. Simmons (“Simmons”) having filed a motion to compel, for sanctions, and for an extension of the scheduling order (Docket # 60), the City of Rochester, and its employees Joseph M. Ferrigno, II, Samuel Giancursio, Mark Wiater, Christopher Muscato, Robert Wetzel, and Michael L. Ciminelli (collectively, “City Defendants”), having opposed the motion (Docket # 65), and this Court having reviewed the submissions, and oral argument having been conducted on January 13, 2021, it is hereby

ORDERED, for the reasons stated more fully on the record on January 13, 2021, that Simmons’s motion to compel (**Docket # 60**) is **GRANTED in part and DENIED in part**. Specifically, that portion of Simmons’s motion that seeks an order imposing sanctions is denied and those portions of Simmons’s motion that seek an order extending the scheduling order and an order compelling the production of documents from the City Defendants are granted. The City Defendants are directed to produce all documents responsive to Simmons’s discovery requests on or before **January 27, 2021**. It is further

ORDERED, that this Court’s November 19, 2020 Amended Scheduling Order (Docket # 62) shall be amended as follows:

1. All factual discovery in this case, including depositions, shall be completed on or before **May 3, 2021**. All motions to compel discovery shall be filed by **July 26, 2021**.

2. Plaintiff shall identify any expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) by **May 27, 2021**. Defendants shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **June 24, 2021**. Parties shall complete all discovery relating to experts, including depositions, by **July 8, 2021**.

3. Dispositive motions, if any, shall be filed no later than **September 16, 2021**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Chief Judge Geraci.

4. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.

- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

IT IS SO ORDERED.

s/Marian W. Payson
MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
January 13, 2021